

SUGGESTED REVISED RULES 20-25 (MERGED)

Rule 20. Permissive joining of parties

Rule 20(a). Who may join or be joined as parties in a single lawsuit

Multiple persons may join in one lawsuit as plaintiffs if they seek relief concerning the same transaction(s) or event(s), and if the lawsuit will involve any issue that applies to all these persons. Multiple persons may be sued jointly in one lawsuit as defendants if any right to relief is sought against them involving the same transaction(s) or event(s), and if the lawsuit will involve any issue that applies to all defendants. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their specific individual rights to relief, and against one or more defendants according to their specific individual liabilities.

Rule 20(b). Separate trials

The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of another party against whom the party asserts no claim and who asserts no claim against the party, and may order separate trials or make other orders to prevent delay or prejudice.

Rule 21. Joining wrong parties or failure to join parties to lawsuit

Joining a wrong party into a lawsuit is not ground for dismissal of the lawsuit. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the lawsuit and on such terms as are just. Any claim against a party may be severed and proceeded with separately.

Rule 22. Interpleader

Under certain circumstances, when multiple people have claims against someone that might expose that person to double or multiple liability, that person may file an action (as a plaintiff, cross-claimant or counterclaimant) against the people who have the claims (as defendants, cross-defendants or counterdefendants), and the court will determine each party's rights and liabilities. This type of action is called an interpleader and its procedures are set forth in and controlled by Rule 22 of the Arizona Rules of Civil Procedure.

Rule 23. Class actions (Omitted)

Rule 23.1. Derivative actions by shareholders (Omitted)

Rule 23.2. Actions related to unincorporated associations (Omitted)

Rule 24. Intervention

Under certain circumstances, if a person has an interest in the subject matter of a lawsuit between other people and that interest might be affected by a decision in the lawsuit, or a person has a claim or defense in common with a claim or defense in a lawsuit between other people, the person may be able to join the lawsuit as a plaintiff or defendant. Joining a lawsuit between other people in this way is called an intervention and its procedures are set forth in and controlled by Rule 24 of the Arizona Rules of Civil Procedure.

Rule 25. Substitution of parties during lawsuit

Rule 25(a). Death of a party during lawsuit

(1) If a party dies and the claim by or against them is not extinguished by the party's death, the court may order substitution of the proper parties. A motion for substitution may be filed by any party or by the successors or representatives of the party that has died and shall be served on the parties as provided in [Rule 5](#) and upon the successors or representatives of the party that has died as provided in Rules 4, 4.1 or 4.2, as applicable. Unless a motion for substitution is filed not later than 90 days after a notice of the fact of the death is filed and served as provided in this subsection for the service of the motion, the lawsuit shall be dismissed as to the party that has died.

(2) If some but less than all plaintiffs or defendants die during a lawsuit in which a right involved may only continue to be asserted or defended by the parties that have not died, a notice of the fact of the death(s) shall be filed with the court and served upon all parties as provided for in subsection (a)(1) of this Rule and the lawsuit will continue as to the parties that have not died.

Rule 25(b). Death of defendant after personal injury lawsuit started

A lawsuit to recover damages for personal injuries shall not end because of the death of the defendant, and the personal representative of a defendant that dies during a lawsuit may be substituted as the defendant. After substitution, the lawsuit shall proceed to judgment as if the defendant had remained alive.

Rule 25(c). Incompetency during lawsuit

If a party becomes incompetent during a lawsuit, the court upon motion to substitute served as provided in subdivision (a) of this Rule may allow the lawsuit to be continued by or against the party's representative.

Rule 25(d). Transfer of interest during lawsuit

If a lawsuit involves an interest that is transferred during the lawsuit, the lawsuit may be continued by or against the original party, unless the court upon motion to substitute directs the person to whom the interest is transferred to be substituted in the lawsuit or joined with the original party. Service of the motion to substitute shall be made as provided in subsection (a) of this Rule.

Rule 25(e). Public officers; death or separation from office during lawsuit

When a public officer is a party to a lawsuit in an official capacity and during the lawsuit dies, resigns, or otherwise stops holding office, the lawsuit does not end and the person who replaces the officer in office is automatically substituted as a party. The procedures for this type of substitution are set forth in and controlled by Rule 25(e) of the Arizona Rules of Civil Procedure.